

who came up to me and said I wonder why this information didn't want to be shared. Well, I don't know that. I don't have the answer to that.

But I felt absolutely within my rights, without violating the rules of the committee or the House, to share that with all of my colleagues. I did so, and I did so in a way that I think is in the best tradition of this House for as much openness as we can possibly have.

Mr. Speaker, I have no more requests for time. I thank the House for its indulgence, and I yield back the balance of my time.

MOTION TO ADJOURN

Mr. LAHOOD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LAHOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 3, nays 382, not voting 44, as follows:

[Roll No. 127]

YEAS—3

Johnson (IL)	McNerney	Paul
NAYS—382		
Abercrombie	Brown-Waite,	Davis, David
Ackerman	Ginny	Davis, Tom
Aderholt	Buchanan	DeFazio
Akin	Burgess	Delahunt
Alexander	Burton (IN)	DeLauro
Allen	Butterfield	Dent
Altmire	Buyer	Diaz-Balart, L.
Andrews	Calvert	Diaz-Balart, M.
Arcuri	Camp (MI)	Dicks
Baca	Campbell (CA)	Dingell
Bachmann	Cannon	Doggett
Baird	Cantor	Donnelly
Baldwin	Capito	Doolittle
Barrett (SC)	Capps	Drake
Barrow	Capuano	Dreier
Bartlett (MD)	Cardoza	Duncan
Bean	Carnahan	Edwards
Becerra	Carney	Ehlers
Berkley	Carter	Ellison
Berman	Castle	Ellsworth
Berry	Castor	Emerson
Biggart	Chabot	Engel
Bilbray	Chandler	English (PA)
Bilirakis	Clarke	Eshoo
Bishop (GA)	Cleaver	Etheridge
Bishop (NY)	Clyburn	Everett
Bishop (UT)	Coble	Fallin
Blackburn	Cohen	Farr
Blumenauer	Conaway	Fattah
Blunt	Conyers	Feeney
Boehner	Cooper	Ferguson
Bonner	Costa	Filner
Bono Mack	Costello	Flake
Boozman	Courtney	Forbes
Boren	Cramer	Fortenberry
Boswell	Crenshaw	Fossella
Boustany	Crowley	Foster
Boyd (FL)	Cuellar	Fox
Boyd (KS)	Culberson	Franks (AZ)
Brady (PA)	Cummings	Frelinghuysen
Brady (TX)	Davis (AL)	Gallely
Brady (IA)	Davis (CA)	Garrett (NJ)
Brown (GA)	Davis (IL)	Gerlach
Brown (SC)	Davis (KY)	Giffords

Gilchrest	Lungren, Daniel	Rothman
Gillibrand	E.	Roybal-Allard
Gingrey	Lynch	Royce
Gohmert	Mack	Ruppersberger
Gonzalez	Mahoney (FL)	Ryan (OH)
Goode	Maloney (NY)	Ryan (WI)
Goodlatte	Markey	Salazar
Gordon	Marshall	Sali
Granger	Matheson	Sánchez, Linda
Graves	Matsui	T.
Green, Al	McCarthy (CA)	Sanchez, Loretta
Green, Gene	McCarthy (NY)	Sarbanes
Grijalva	McCaul (TX)	Saxton
Gutierrez	McCollum (MN)	Schiff
Hall (NY)	McCotter	Schmidt
Hall (TX)	McCrery	Schwartz
Hare	McDermott	Scott (GA)
Harman	McGovern	Scott (VA)
Hastings (FL)	McHenry	Sensenbrenner
Hastings (WA)	McHugh	Serrano
Hayes	McIntyre	Sessions
Heller	McKeon	Sestak
Hensarling	McMorris	Shadegg
Herseht Sandlin	Rodgers	Shays
Higgins	McNulty	Shea-Porter
Hill	Meek (FL)	Sherman
Hirono	Meeks (NY)	Shuler
Hobson	Mica	Shuster
Hodes	Michaud	Simpson
Hoekstra	Miller (FL)	Sires
Holden	Miller (MI)	Skelton
Holt	Miller (NC)	Slaughter
Honda	Miller, Gary	Smith (NE)
Hoyer	Miller, George	Smith (TX)
Hulshof	Mitchell	Smith (WA)
Hulshof	Moore (KS)	Snyder
Inglis (SC)	Moore (WI)	Solis
Inslee	Moran (KS)	Souder
Israel	Murphy (CT)	Space
Jackson (IL)	Murphy, Patrick	Spratt
Jackson-Lee	Murphy, Tim	Stark
(TX)	Murtha	Stearns
Jefferson	Musgrave	Sutton
Johnson (GA)	Myrick	Tanner
Johnson, E. B.	Nadler	Tauscher
Johnson, Sam	Napolitano	Taylor
Jones (NC)	Neal (MA)	Terry
Jones (OH)	Neugebauer	Thompson (CA)
Jordan	Nunes	Thornberry
Kagen	Obey	Oliver
Kanjorski	Oliver	Ortiz
Kaptur	Pallone	Pallone
Keller	Pascarella	Pastor
Kennedy	Pastor	Payne
Kildee	Pearce	Pearce
Kilpatrick	Pence	Peterson (MN)
Kind	Petri	Pitts
King (IA)	Pitts	Platts
King (NY)	Platts	Poe
Kingston	Knollenberg	Pomeroy
Kirk	Kucinich	Porter
Klein (FL)	Kuhl (NY)	Price (CA)
Kline (MN)	LaHood	Price (NC)
Knollenberg	Lamborn	Pryce (OH)
Kucinich	Lampson	Putnam
Kuhl (NY)	Langevin	Radanovich
LaHood	Larsen (WA)	Rahall
Lamborn	Larson (CT)	Ramstad
Lampson	Latham	Regula
Langevin	LaTourette	Rehberg
Larsen (WA)	Latta	Reichert
Larson (CT)	Lee	Reyes
Rahall	Levin	Reynolds
Ramstad	Lewis (CA)	Richardson
Regula	Lewis (GA)	Rodriguez
Rehberg	Lewis (KY)	Rogers (AL)
Reichert	Linder	Rogers (KY)
Reyes	Lipinski	Rogers (MI)
Reynolds	LoBiondo	Rohrabacher
Richardson	Loeback	Ros-Lehtinen
Rodriguez	Lofgren, Zoe	Roskam
Rogers (AL)	Lowey	Ross
Rogers (KY)	Lucas	
Rogers (MI)		
Rohrabacher		
Ros-Lehtinen		
Roskam		
Ross		

NOT VOTING—44

Bachus	Emanuel	Mollohan
Barton (TX)	Frank (MA)	Moran (VA)
Boucher	Herger	Oberstar
Brown, Corrine	Hinchey	Perlmutter
Clay	Hinojosa	Peterson (PA)
Cole (OK)	Hooley	Pickering
Cubin	Hunter	Rangel
Davis, Lincoln	Issa	Renzi
Deal (GA)	Manzullo	Rush
DeGette	Marchant	Schakowsky
Doyle	Melancon	Shimkus

Smith (NJ)	Thompson (MS)	Westmoreland
Stupak	Towns	Woolsey
Sullivan	Udall (CO)	Young (AK)
Tancredo	Weldon (FL)	

□ 1313

Messrs. INSLEE, KUCINICH, and LATHAM changed their vote from "yea" to "nay."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. BOEHNER. Mr. Speaker, I have a privileged resolution at the desk.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 1040

Whereas on June 13, 2007, the publication The Politico reported, "Democratic leaders gave in to Republican demands that lawmakers be allowed to challenge individual member-requested projects from the final version of each appropriations bill."

Whereas on November 15, 2007, Representatives Jack Kingston and Frank Wolf introduced H. Con. Res. 263, to establish a Joint Select Committee on Earmark Reform, and for other purposes;

Whereas on March 6, 2008, The Hill reports in "Obey Criticizes Kingston on earmarks" that "Kingston said Obey has been 'very irritated' with his push for reform.";

Whereas on March 5, 2008, House Appropriations Chairman David Obey sent a Dear Colleague to Republican Members stating "In light of the continuing discussion on earmarks in the Republican Conference, the Appropriations Committee needs to determine how it would proceed."

Whereas on March 6, 2008, The Hill reports in "Task Force Looking Beyond Earmarks" that "Obey issued a memo to Republicans in multiple-choice format asking them to check one of two boxes, stating whether they believed in a one-year moratorium and therefore would not be submitting earmark requests, or did not believe in a moratorium and would be submitting requests. Obey spokeswoman Kristin Brost said Obey called the memo his 'anti-hypocrisy memo, aimed at House Minority Leader John Boehner's (R-Ohio) repeated calls for a moratorium.'";

Whereas the Chairman of the Appropriations Committee Dave Obey stated in said letter: "Because it is important for the Committee to move ahead with bills in a timely fashion, I will assume that any Member not returning this form by March 19, 2008 wishes to see Congressional earmarks discontinued and will therefore be submitting no request for fiscal year 2009."

Whereas House Rule XXIII Clause 16, states that a Member may not condition the inclusion of language to provide funding for a congressional earmark on any vote cast by another Member.

Whereas the Chairman of the Appropriations Committee, Dave Obey, has conditioned the receipt of an earmark from the Committee on Appropriations on a Member's opposition to a moratorium on earmarks: Now, therefore, be it

Resolved, That the Committee on Standards of Official Conduct is directed to investigate without further delay violations of House rules by Representative Dave Obey and report its findings and recommendations to the House, including a recommendation

regarding the appropriate action for Representative Obey's violations.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 219, nays 193, not voting 17, as follows:

[Roll No. 128]

YEAS—219

Abercrombie	Frank (MA)	Miller, George
Ackerman	Giffords	Mitchell
Allen	Gillibrand	Mollohan
Altmire	Gonzalez	Moore (KS)
Andrews	Gordon	Moore (WI)
Arcuri	Green, Al	Moran (VA)
Baca	Green, Gene	Murphy (CT)
Baird	Grijalva	Murphy, Patrick
Baldwin	Hall (NY)	Murtha
Barrow	Hare	Nadler
Bean	Harman	Napolitano
Becerra	Hastings (FL)	Neal (MA)
Berkley	Herseth Sandlin	Obey
Berman	Higgins	Olver
Berry	Hill	Ortiz
Bishop (GA)	Hinojosa	Pallone
Bishop (NY)	Hirono	Pascarella
Blumenauer	Hodes	Pastor
Boren	Holden	Payne
Boswell	Holt	Perlmutter
Boyd (FL)	Honda	Peterson (MN)
Boyd (KS)	Hoyer	Pomeroy
Brady (PA)	Inslee	Price (NC)
Braley (IA)	Israel	Rahall
Brown, Corrine	Jackson (IL)	Reyes
Butterfield	Jackson-Lee	Richardson
Capps	(TX)	Rodriguez
Capuano	Jefferson	Ross
Cardoza	Johnson (GA)	Roybal-Allard
Carnahan	Johnson, E. B.	Ruppersberger
Carney	Jones (OH)	Ryan (OH)
Castor	Kagen	Salazar
Chandler	Kanjorski	Sánchez, Linda
Clarke	Kaptur	T.
Clay	Kennedy	Sanchez, Loretta
Cleaver	Kildee	Sarbanes
Cohen	Kilpatrick	Schakowsky
Conyers	Kind	Schiff
Cooper	Klein (FL)	Schwartz
Costa	Kucinich	Scott (GA)
Costello	Lampson	Scott (VA)
Courtney	Langevin	Serrano
Cramer	Larsen (WA)	Sestak
Crowley	Larson (CT)	Shea-Porter
Cuellar	Lee	Sherman
Cummings	Levin	Shuler
Davis (AL)	Lewis (GA)	Sires
Davis (CA)	Lipinski	Skelton
Davis (IL)	Loeb sack	Slaughter
Davis, Lincoln	Lofgren, Zoe	Smith (WA)
DeFazio	Lowey	Snyder
DeGette	Lynch	Solis
DeLaunt	Mahoney (FL)	Space
DeLauro	Maloney (NY)	Stark
Dicks	Markey	Stupak
Dingell	Marshall	Sutton
Doggett	Matheson	Tanner
Donnelly	Matsui	Tauscher
Doyle	McCarthy (NY)	Taylor
Edwards	McCollum (MN)	Thompson (CA)
Ellison	McDermott	Tierney
Ellsworth	McGovern	Towns
Emanuel	McIntyre	Tsongas
Engel	McNerney	Udall (CO)
Eshoo	McNulty	Udall (NM)
Etheridge	Meek (FL)	Van Hollen
Farr	Meeks (NY)	Velázquez
Fattah	Melancon	Visclosky
Filner	Michaud	Walz (MN)
Foster	Miller (NC)	

Wasserman
Schultz
Waters
Watson
Watt

Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)

NAYS—193

Aderholt	Frelinghuysen	Neugebauer
Akin	Gallegly	Nunes
Alexander	Garrett (NJ)	Paul
Bachmann	Gerlach	Pearce
Barrett (SC)	Gilchrest	Pence
Bartlett (MD)	Gingrey	Peterson (PA)
Barton (TX)	Gohmert	Petri
Biggart	Goode	Pickering
Bilbray	Goodlatte	Pitts
Bilirakis	Granger	Platts
Bishop (UT)	Graves	Poe
Blackburn	Hastings (WA)	Porter
Blunt	Hayes	Price (GA)
Boehner	Heller	Pryce (OH)
Bonner	Hensarling	Putnam
Bono Mack	Herger	Radanovich
Boozman	Hobson	Ramstad
Boustany	Hoekstra	Regula
Brady (TX)	Hulshof	Rehberg
Broun (GA)	Hunter	Reichert
Brown (SC)	Inglis (SC)	Reynolds
Brown-Waite,	Issa	Rogers (AL)
Ginny	Johnson (IL)	Rogers (KY)
Buchanan	Johnson, Sam	Rogers (MI)
Burgess	Jones (NC)	Rohrabacher
Burton (IN)	Jordan	Ros-Lehtinen
Buyer	Keller	Roskam
Calvert	King (IA)	Royce
Camp (MI)	King (NY)	Ryan (WI)
Campbell (CA)	Kingston	Sali
Cannon	Kirk	Saxton
Cantor	Kline (MN)	Schmidt
Capito	Knollenberg	Sensenbrenner
Carter	Kuhl (NY)	Sessions
Castle	LaHood	Shadegg
Chabot	Lamborn	Shays
Coble	Latham	Shimkus
Cole (OK)	LaTourette	Shuster
Conaway	Latta	Simpson
Crenshaw	Lewis (CA)	Smith (NE)
Cubin	Lewis (KY)	Smith (NJ)
Culberson	Linder	Smith (TX)
Davis (KY)	LoBiondo	Souder
Davis, David	Lucas	Stearns
Davis, Tom	E.	Sullivan
Deal (GA)	Mack	Terry
Dent	Manzullo	Thornberry
Diaz-Balart, L.	Marchant	Tiahrt
Diaz-Balart, M.	McCarthy (CA)	Tiberi
Doolittle	McCauley (TX)	Turner
Drake	McCotter	Upton
Dreier	McCrery	Walberg
Duncan	McHenry	Walden (OR)
Ehlers	McHugh	Walsh (NY)
Emerson	McKeon	Wamp
English (PA)	McMorris	Weldon (FL)
Everett	Rodgers	Weller
Fallin	Mica	Westmoreland
Feeney	Miller (FL)	Whitfield (KY)
Ferguson	Miller (MI)	Wilson (NM)
Flake	Miller, Gary	Wilson (SC)
Forbes	Moran (KS)	Wittman (VA)
Fortenberry	Murphy, Tim	Wolf
Fossella	Musgrave	Young (FL)
Fox	Myrick	
Franks (AZ)		

NOT VOTING—17

Bachus	Hooley	Spratt
Boucher	Oberstar	Tancred
Clyburn	Rangel	Thompson (MS)
Gutierrez	Renzi	Woolsey
Hall (TX)	Rothman	Young (AK)
Hinche	Rush	

□ 1342

Ms. MOORE of Wisconsin, Messrs. PAYNE, MARKEY, Ms. LINDA T. SÁNCHEZ of California, Messrs. CLEAVER, MELANCON, Ms. KAPTUR, Mr. ENGEL, Ms. RICHARDSON, Messrs. HOLT, LYNCH, SKELTON and MCNERNEY changed their vote from "nay" to "yea."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 312, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1036 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1036

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed four hours, with three hours confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and one hour on the subject of economic goals and policies equally divided and controlled by Representative Maloney of New York and Representative Saxton of New Jersey or their designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, and shall not be subject to amendment. All points of order against the amendments printed in the report are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

SEC. 2. After a motion that the Committee rise has been rejected on a legislative day, the Chair may entertain another such motion on that day only if offered by the chairman of the Committee on the Budget or the Majority Leader or a designee. After a motion to strike out the resolving words of the concurrent resolution (as described in clause 9 of rule XVIII) has been rejected, the Chair may not entertain another such motion during further consideration of the concurrent resolution.

SEC. 3. During consideration in the House of House Concurrent Resolution 312 pursuant